

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The Final Office Action dated September 26, 2006, indicated that claims 1-22 stand rejected under 35 U.S.C. § 102(e) over Huang *et al.* (U.S. Patent No. 6,836,478).

Applicant traverses all of the Section 102(e) rejections based, *inter alia*, on the reasons previously presented in the Response dated 6/29/2006 which Applicant hereby incorporates by reference. The Examiner repeats the rejections from the previous Office Action and, while some arguments are presented in response to Applicant, fails to adequately address Applicant's prior arguments. The M.P.E.P. dictates that the Examiner should take note of the applicant's arguments and answer the substance of them. *See* M.P.E.P. § 707.07(f). This is consistent with the purpose of aiding the applicant in judging the propriety of continuing the prosecution, as indicated in 37 C.F.R. § 1.104(a)(2) and 35 U.S.C. § 132. M.P.E.P. § 707.07(f) further urges that the Examiner state the reasons for his or her position (regarding Applicant's arguments) in the record.

The Examiner's failure to adequately respond to Applicant's arguments as required are exemplified as follows. First, the Examiner in both the instant and previous Office Actions draws from a multitude of disparate portions of the Huang reference without showing how these portions either correspond to the claimed limitations, relate to one another or operate together. In many instances, the Office Action does not address Applicant's specific arguments but rather presents arguments that many limitations of different claims are functionally equivalent or similar. In other instances, the different cited portions relate to different figures and different devices, and any relationship is unclear. As indicated in M.P.E.P. § 2131, "the identical invention must be shown in as complete detail as is contained in the ... claim" (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1239, 9 U.S.P.Q.2d 1913, 1920 (Fed Cir. 1989)).

The Office Action also attempts to rely on the alleged prior-art reference by collecting different elements from different teachings of the reference. M.P.E.P. § 2131 further indicates that various portions of a reference cannot be asserted together to anticipate a claim unless the reference arranges the limitations as they are arranged in the

claim. *See, e.g., In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). In failing to cite any portion of the Huang reference that shows all of the limitations arranged as claimed in the instant application, the Examiner has failed to show correspondence to the claimed limitations in a manner consistent with M.P.E.P. § 2131. In this regard, the Examiner fails to provide correspondence to the claimed limitations, and the Section 102(e) rejections should be withdrawn.

Applicant maintains that claims 15 and 20 contain limitations that are not found in claim 1, as such, the Examiner's broad and unsupported assertion that "[c]laims 15 and 20 contain limitations that are substantially equivalent to claim 1 and are therefore rejected under the same basis" is improper. The Examiner attempts to address these issues on page 2, section A.1 of the instant Office Action. However, the Examiner does not provide correspondence to the limitations of claims 15 and 20, *e.g.*, the cited portions of the Huang reference do not mention OOP. Similarly, certain of the dependent claims include limitations that have not been adequately addressed as being found in the Huang reference. As an example, various claims involving OOP were rejected based on the Huang reference with reference to its teaching in column 2, but column 2 of the Huang reference does not mention OOP or anything related to OOP. If the Examiner would be asserting that certain claimed limitations are equivalent to the cited portions of the Huang (or to any prior art reference), evidence in support of such an assertion is lacking. The Examiner makes a similar statement of "substantial similarity" in rejecting dependent claims 16, 17 and 19 as relevant to other claims, yet the claimed limitations are clearly different and, as such, the Examiner provides no correspondence to these claims. Applicant brought this lack of correspondence to the Examiner's attention in the previous Response, to which the Examiner failed to respond as is required by M.P.E.P. § 707.07(f). In this regard, the Section 102(e) rejections of independent claims 15 and 20 (and therefore of the claims that depend therefrom) are improper.

More specifically, with the rejection of claim 20, the Examiner fails to show a programmable server having an IP telephony switch and an OOP interface, with the server controlling a communications network and a plurality of telephony device in response to received telephony control selections. The rejections thus fail to explain where the claimed limitations are taught in a manner consistent with 35 U.S.C. § 132. Without such

explanation, Applicant is unable to ascertain where the Examiner is asserting any correspondence between the cited reference(s) and the claimed limitations and is thus unable to adequately respond to the rejections.

In addition to the above, the portions of the Huang reference cited by the Examiner in connection with various claimed limitations do not correspond to these claimed limitations as suggested. For example, the Examiner cites columns 3-7, 9, and 17-19, which refer to three different figures and different devices therein, as corresponding to claimed limitations directed to providing user-selected IP telephony configuration information to a control center to control communications between, and programmably configure, the control center and IP telephony devices (*e.g.*, see claim 1). None of these cited portions describe, for example, user-selected IP telephony configuration information or any implementation of the user-selected configuration. Moreover, the Huang reference does not describe or show any implementation of user-selected configuration information. It is unclear as to how the Examiner could possibly be asserting these cited portions of the Huang reference as corresponding to the claimed limitations. For example, column 3 discusses a broadband network that can be used for carrying IP telephony signals. Lines 16-17 of column 5 mention a “central station 200” that appears to be implemented for routing data between IP and publicly-switched networks; the Examiner also fails to explain how this structure is configurable as claimed. Column 7 discusses the central station 200’s use of gateways, and columns 4 and 17 discuss a residential gateway 300, with the cited portion of column 19 discussing processors for the residential gateway, but it is unclear as to how the Examiner applies this to any claim limitations. None of these cited portions of the Huang reference describe “providing user-selected IP telephony configuration information” (*e.g.*, from a display) to the central station 200 or in any manner to control communications and programmably configure the central station or any IP telephony device.

Regarding the limitations directed to a user interface and programmable controller adapted to “display a control interface,” the Examiner’s citation to “integrated communication interfaces” in column 3 is inapplicable. These communication interfaces are directed to interfaces between a gateway and a different device such as a TV or PC; there is no discussion of a user interface (*i.e.*, a visual interface) and any related functionality. Furthermore, the display 338 discussed at column 20 is not taught as controlling an IP

telephony device or of telephony system configuration. In this regard, the rejections also appear misguided as to these limitations.

The rejections of the dependent claims fail for the reasons stated above in connection with the above underlying claims. Moreover, in as far as the Applicant can understand the rejections, it appears that the Huang reference does not correspond to all of the claimed limitations, such as those directed to: call announce features (various claims); an OOP applet (claim 3); the provision of configuration information to a control center via an IP telephony device (claim 6); accessing a database via user-defined shuffle search statements (claim 8); the provision of system status information (claim 10); and user-interface control of a variety of settings including IP address assignment, permissions and more (claim 11 – a DN server carries these out in the Huang reference).

Applicant has amended claim 3 to correct a typographical error; this amendment is not being made to overcome any issues of patentability or to overcome the rejections raised by the Examiner.

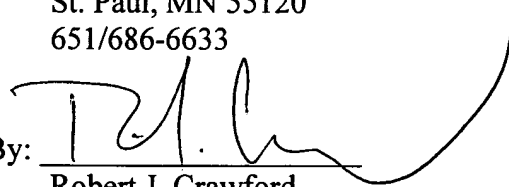
In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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By:



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